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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/610,128

Filing Date: July 05, 2000

Appellant(s): KERIEVSKY, BRUCE

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*Pro Se* Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/2/2005 appealing from the Office action mailed 6/16/2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as

permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

*However, an Appellant who is not represented by a registered practitioner is not required to provide a concise statement of each ground of rejection presented for review under 37 CFR 41.37(c)(1)(vi). See the introductory paragraph of 37 CFR 41.37(c)(1). Therefore, the Summary of Invention provided by the Pro Se Appellant will suffice. MPEP 1205.03*

#### **(6) Grounds of Rejection to be Reviewed on Appeal**

The Pro Se Appellant failed to include a “Grounds of Rejection to be Reviewed on Appeal” heading; however the Pro Se Appellant’s statement of the grounds of rejection to be reviewed on appeal is contained under the Issues and Arguments headings, and considered to be correct. (MPEP 1205.03, Minor Non-compliance)

#### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

#### **(8) Evidence Relied Upon**

**Neuhaus (US 5,832,446)**

**Kolawa et al. (US 6,239,974)**

**Metz (Metz, Cade, “Decisions, decisions.” PC Magazine, v16, n6, p162(3), March 25, 1997)**

The Pro Se Appellant failed to include an Evidence Replied Upon appendix; and thus, it will be assumed that the appellant meant to include the appendix with a statement of "NONE." (MPEP 1205.03, Minor Non-compliance)

#### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. **Claims 37, 39, 43-45, 47-50, 54-56, and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuhaus (US 5,832,446) in view of Kolawa et al. (US 6,239,974).**
2. As per **independent Claims 37 and 49**, Neuhaus discloses a method (apparatus) for providing a recipe to a user in audible form (C6 L15-17), such that an interactive session is established, comprising: accessing a series of instructions related to a recipe; sequentially providing the series of instructions to the user using an output device that provides each of the instructions in an audible form for the user to hear (C2-C4); detecting an input (selection by electronic interface of "next step" radio button by mouse click for example) command from the user while the series of instructions are being provided to the user; and responding to the inputted command by providing additional instructional data to the user using the output device to provide the additional instructional data in an audible form for the user to hear (providing next step cooking instructions by selection of step, Fig.8), wherein an interactive cooking session is established such that a subsequent one of the instructions is not provided to the user until

the user provides a particular input command requesting the subsequent instruction (Fig.8; C6 L10-17, Click on radio buttons to obtain recipe sub-steps).

3. Neuhaus fails to expressly disclose detecting and responding to a spoken utterance from the user.
4. However, Kolawa discloses issuing instructions/input to an interactive cookbook/kitchen aid through electronic interface to include “voice-enabled” input (C3 L16-18).
5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included detecting and responding to a spoken utterance from the user (voice-enabled input), as disclosed by Kolawa in the system disclosed by Neuhaus, for the advantage of providing an automated cooking instruction method (apparatus), with the ability to increase food preparation ease/efficiency to the user/cook, by providing hands-free interaction with the computer – freeing the users hands to complete the cooking exercise as instructed.
6. As per Claims 39 and 50, Neuhaus and Kolawa disclose accessing a glossary as a function of detecting an utterance, and providing additional data from the glossary.
7. As per Claims 43 and 54, Neuhaus and Kolawa fail to disclose translating at least a portion of the data relating to cooking from a first language into a second language; and providing the translated portion to the user.
8. However, Kolawa does disclose providing recipes from several cultures (C7 L15-20, C10 L20-57), and it would have been obvious to one of ordinary skill in the art to provide translated foreign recipes in order to broaden the cultural selection of available recipes.

9. As per Claims 44 and 55, Neuhaus and Kolawa fail to disclose converting a portion of the data relating to cooking from a first unit of measurement to a second unit of measurement.
10. However, Kolawa does disclose providing food preparation instructions to the user (C10 L20-57), and it would have been obvious to one of ordinary skill in the art for the system to provide measurement conversions depending on the measurement system used by the user (metric vs. U.S. customary units).
11. As per Claims 45 and 56, Neuhaus and Kolawa disclose retrieving the data relating to cooking from a remote location.
12. As per Claims 47 and 58, Neuhaus and Kolawa disclose wherein the initial data comprises data related to two or more recipes.
13. As per Claims 48 and 59, Neuhaus and Kolawa disclose modifying (updating) the additional data as a function of a second utterance.
- 14. Claims 40-42 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuhaus in view of Kolawa, and further in view of Metz (Metz, Cade, "Decisions, decisions." PC Magazine, v16, n6, p162(3), March 25, 1997).**
15. As per Claims 40 and 51, Kolawa discloses the use of voice-enabled technology to operate a food preparation assistance system (voice-enabled input, C3 L16-18); however Kolawa and Neuhaus fail to disclose initiating a timer as a function of the utterance from the user; and providing an indication at an expiration of a time interval associated with the timer.

16. Metz discloses the use of a timer (five timers) integrated into a food preparation assistance system (Metz, Cade, "Decisions, decisions." PC Magazine, v16, n6, p162(3), March 25, 1997).
17. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included initiating a timer as a function of the input from the user; and providing an indication at an expiration of a time interval associated with the timer, as disclosed by Metz in the system disclosed by Kolawa, in the system disclosed by Neuhaus, for the advantage of providing a method (apparatus) for providing data related to cooking, with the ability to increase food preparation assistance to the customer, by providing multiple food preparation tools (timer, videos, etc.).
18. As per Claims 41 and 52, Neuhaus, Kolawa, and Metz disclose initiating a second time as a function of the utterance from the user; and providing a second indication at an expiration of the time interval associated with the second timer.
19. As per Claims 42 and 53, Neuhaus, Kolawa, and Metz disclose wherein the timer is associated with a particular segment of the data related to cooking.
- 20. Claims 46 and 57 are rejected under 35 U.S.C. 103 as being unpatentable over Neuhaus in view of Kolawa.**
21. As per Claims 46 and 57, Neuhaus and Kolawa do not expressly show transmitting the data related to cooking to a hand-held device.
22. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The cooking information system would be performed regardless of the where the information was transmitted. Thus, this

descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have transmitted the cooking information to a hand-held device, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

#### **(10) Response to Argument**

1. The appellant has made the argument that the cited prior art fails to teach or disclose wherein "an interactive cooking session is established such that a subsequent one of the instructions is not provided to the user until the user provides a particular spoken utterance requesting the subsequent instruction."
2. However, Neuhaus discloses the ability for a user to receive step by step instruction by separated selecting sub-steps of cooking instructions with the use of an electronic interface/input (Fig.8, C6 L10-17)
3. Furthermore, Kolawa discloses issuing instructions/input to an interactive cookbook/kitchen aid through electronic interface to include "voice-enabled" input (C3 L16-18).
4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included detecting and responding to a spoken utterance



from the user (voice-enabled input), as disclosed by Kolawa in the system disclosed by Neuhaus, for the advantage of providing an automated cooking instruction method (apparatus), with the ability to increase food preparation ease/efficiency to the user, by replacing the keypad or mouse click selection interface/input with a voice-enable electronic interface/input (hands-free interaction) with the computer, for the selection of subsequent instructional steps – freeing the users hands to complete the cooking exercise as instructed.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

The Pro Se Appellant failed to include a Related Proceeding(s) Appendix; and thus, it will be assumed that the appellant meant to include the appendix with a statement of "NONE."  
(MPEP 1205.03, Minor Non-compliance)

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jonathan Ouellette/

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